IN THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA

**BECKLEY DIVISION** 

RANDAL LEE BRYSON

v.

CRIMINAL ACTION NO. 5:01-00029 Civil Action No. 5:13-20956

UNITED STATES OF AMERCIA

MEMORANDUM OPINION AND ORDER

This action was referred to the Honorable Dwane L. Tinsley, United States Magistrate

Judge, for submission to this Court of proposed findings of fact and recommendation, pursuant to

28 U.S.C. §636(b)(1)(B). The Magistrate Judge has submitted findings of fact and recommended

that the Court deny Defendant's amended Motion to Vacate, Set Aside or Correct Sentence by a

Person in Federal Custody under 28 U.S.C. § 2255 (ECF Nos. 71, 83-1, 90, and 100) and dismiss

this matter from the Court's docket. ECF No. 105.

Defendant, represented by the Federal Public Defender, conceded that the Magistrate

Judge's findings were mandated by current Fourth Circuit law but objected to preserve the issue

for appeal. Accordingly, the Court ADOPTS and INCORPORATES herein the findings and

recommendations of the Magistrate Judge; LIFTS THE STAY; REINSTATES this matter to the

active docket; DENIES Defendant's amended motion (ECF Nos. 71, 83, 90 and 100); and

**DISMISSES** the civil matter from the docket of the Court.

The Court **DIRECTS** the Clerk to send a copy of this Order to counsel of record and any

unrepresented parties.

ENTER:

January 14, 2021

ROBERT C. CHAMBERS

UNITED STATES DISTRICT JUDGE